

DECISION

19266
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-199339**DATE:** AUG 25 1981**MATTER OF:** Payments for quarters maintenance and operation expenses from salary deductions for quarters

DIGEST: Forest Service may transfer amounts of payroll deductions for use of Government quarters to separate appropriation accounts used to fund maintenance and operation of such quarters, even though salary expenses may be paid from several different accounts for a single employee. 5 U.S.C. § 5911(c) does not preclude consolidation of various salary deductions for administrative convenience in making payments for maintenance expenses. 59 Comp. Gen. 235 (1980) modified.

The Director, Office of Fiscal and Accounting Management, Forest Service, Department of Agriculture, requests clarification of our decision 59 Comp. Gen. 235 (1980), concerning the proper appropriation to be credited with payroll deductions for use of Government quarters. The specific inquiry is whether the Forest Service may credit the amount of the deductions to the appropriation account that funds the maintenance and operation services for quarters and facilities, rather than the appropriations to which the employee salaries are charged. We conclude that there is authority to credit the maintenance and operation appropriation account customarily used to fund such services. 59 Comp. Gen. 235, supra, is clarified.

In our 1980 decision, we noted and agreed with the position of the Office of Management and Budget that deductions from employees for maintenance and operation expenses of Government quarters occupied by them should be treated as reimbursements (rather than refunds of in-kind salary payments) to be credited to the appropriation or fund account that provides the service under the authority of 5 U.S.C. § 5911(c).

That section provides that payroll deductions for these expenses "shall remain in the applicable appropriation or fund." Because the appropriations from which Forest Service salaries are paid are also available for the payment of operation and maintenance expenses of Government quarters, we interpreted section 5911(c) as allowing retention of deductions in the salary appropriations for use in defraying operation and maintenance expenses. The alternative, absent section 5911(c), would have been deposit of the deductions in the Treasury, pursuant to 31 U.S.C. § 484.

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The Forest Service's request for clarification, however, points out that salaries for employees living in Forest Service housing are usually "project financed" so that the appropriations to which their salaries are charged can vary "from hour to hour" and can involve as many as six different appropriations within a 2-week pay period. The request also points out that Forest Service housing units are ordinarily maintained from a single available appropriation—that for Forest Management, Protection and Utilization. Literal compliance with our decision, therefore, would require what the Forest Service suggests is an unnecessary administrative burden because quarters deductions would have to be credited to the various salary accounts when employees' time and attendance is recorded and operation and maintenance expenses would have to be financed from these various accounts.

Our earlier decision was based on the assumption that all salaries were paid from a single appropriation which was also available for operating and maintaining the housing facilities in question. We therefore held that "any funds remaining in the appropriation as a result of payroll deduction for Government quarters would be available for the expenses of operating and maintaining those quarters as well as any other expenses properly payable from that appropriation."

This is still our view. The term "applicable fund" refers to the appropriation account from which an employee's salary is paid—whether one account, as we had originally assumed, or several different accounts, as we now learn is the practice. In any event, the amount of the salary deductions "remain in the applicable appropriation or fund," as the statute requires—whether one account or several—and are available for the quarters expenses.

This does not mean that the individual salary accounts must each be charged separately with the costs of maintaining the employee's quarters on some sort of pro rata basis. (As stated above, in our earlier decisions, we had assumed that a single account would pay both salaries and maintenance expenses. This erroneous assumption evidently caused the confusion.) Section 5911(c) makes all the salary deductions regardless of which account they are in, available for maintenance purposes and therefore the Forest Service can use them for that purpose utilizing any administrative mechanism which will facilitate accounting for the expenses incurred. Thus, there is no legal objection to the policy described in the submission whereby all quarters deductions would be transferred from their respective salary accounts to the other accounts established to fund maintenance expenses for employee housing.

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This budgetary treatment, however, does not relieve the Forest Service of its responsibility to properly account for its income and expenses in connection with the providing of quarters and subsistence. In this instance, the expenses incurred can reasonably be expected to differ from the amounts collected. A proper matching and reporting of the income and expenses is needed so that management can determine the adequacy and reasonableness of the rates charged and make needed adjustments.

MILTON J. SOCOLAR

Acting Comptroller General
of the United States